



# Louisville/Jefferson County Metro Government

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## **Historic Landmarks and Preservation Districts**

# Louisville's Historic Landmarks Ordinance

- Ordinance originally adopted in 1973 and revised in 1997
- Louisville Metro has declared as a matter of public policy that the preservation, protection, perpetuation, and use of neighborhoods and structures is a public necessity and is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the community.
- 81 Local Landmarks (public, institutional, religious and privately-owned properties)





## 7 Local Historic Preservation Districts containing 6,500 buildings

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- West Main Street
- Limerick
- Old Louisville
- Cherokee Triangle
- Parkland Commercial
- Butchertown
- Clifton



## The Landmarks Commission, Local Landmarks, and Local Preservation Districts *are not to be confused with :*

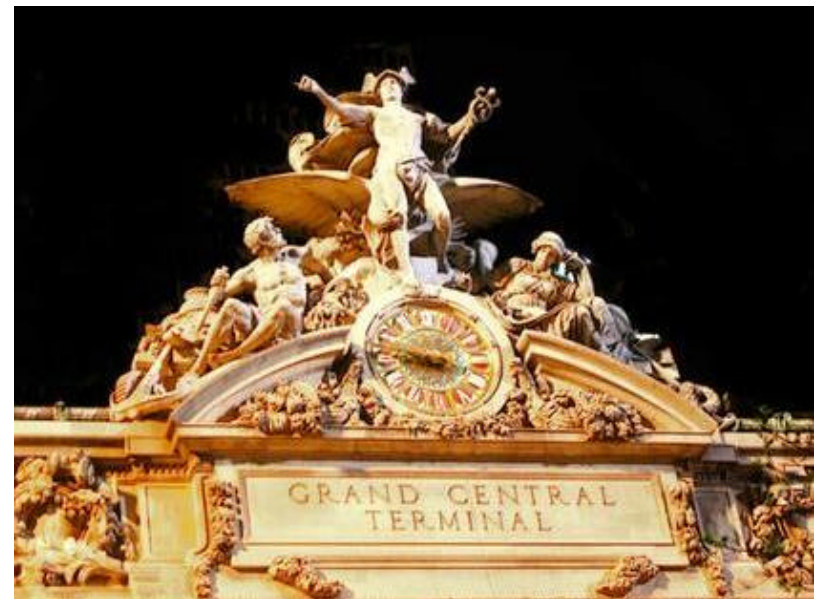
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- National Register of Historic Places
- Section 106 of the National Historic Preservation Act (review of any federal action involving National Register eligible properties)
- Section 4(f) of the Department of Transportation Act (review of any federal transportation project that affects historic properties or sites)
- Inspections, Permits & Licenses (building permits, abandoned properties, demolitions, building code violations)
- Planning Commission (land use, form districts)

# Penn Central Transportation Co. v. New York City United States Supreme Court 1978

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- Five years after Louisville's first ordinance, the United States Supreme Court upheld the constitutionality of local historic landmark and historic preservation district ordinances.
- These ordinances enable cities to identify, designate, protect, and review alterations, new construction and, if necessary, demolition of local historic landmarks and historic preservation districts.





The United States Supreme Court  
stated the *public policy* upon which  
these ordinances are based:

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- protecting and enhancing the city's attractions to tourists and visitors
- supporting and stimulating business and industry
- strengthening the economy of the city
- promoting the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city



The Supreme Court noted that the NYC ordinance  
(as does the Louisville Metro ordinance) provides:

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- broadly based and representative commission with demonstrated expertise in fields related to historic preservation
- notice and public hearings for decisions
- standards for designating landmarks and districts, and
- guidelines for reviewing alterations, new construction, and, when the criteria are met, demolitions

# Louisville/Jefferson Metro Historic Landmarks and Preservation Districts Commission

13 members with the following expertise/qualifications:

- 2 architects or architect and landscape architect
- historian or architectural historian
- archaeologist
- real estate broker or appraiser
- attorney
- member of Greater Louisville, Inc.
- Director of the Department of Inspections, Permits and Licenses
- Executive Director of the Louisville and Jefferson County Planning Commission
- member of Metro Council





## 8 Architectural Review Committees, one for each District and one for Local Landmarks

Seven members with the following expertise/qualifications:

- two of whom are owner residents or tenants within the district
- a real estate professional
- an architect
- an owner of income producing property
- Director of the Department of Inspections, Permits and Licenses
- two members of the Commission



## Designation Process:

- owner request or petition of 200 residents of Louisville Metro
- description of the site
- basis for the designation, including
  - history of the property
  - photographs
- findings of fact and designation report prepared and drafted by staff
- Committee on Local Landmark and Preservation District Designations review
- notice to neighbors and the public
- public hearing held by the Commission
  - staff report
  - owner
  - members of the community
  - correspondence received by the Commission
  - other relevant information
  - a public record is created





## The designation petition:

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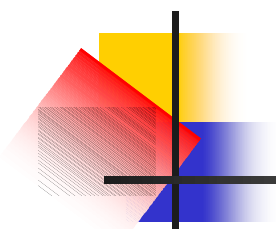
- permits residents of Louisville Metro to petition their government
- initiates the process, but it is not a determination of eligibility
- other than downtown properties, petitions generally originate with neighbors and neighborhoods



## Criteria for Designation:

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- Its value as part of the development of Louisville, the Commonwealth, or the United States.
- It exemplifies the historic, aesthetic, architectural, archaeological, educational, economic, or cultural heritage of Louisville, the state or the nation.
- It is a site of a significant historic event.
- It is identified with a person who significantly contributed to the culture and development of Louisville, the Commonwealth, or the nation.
- Its distinguishing characteristics of an architectural type.
- It is the work of an architect, landscape architect, or master builder.
- Its architectural design, materials, or craftsmanship represents a significant architectural innovation.
- Its relationship to an area eligible for preservation based on history, culture, or architecture.
- It is an established and familiar visual feature or it reinforces the continuity of a neighborhood, area, or place within Louisville Metro.



## Applying these criteria, the Commission will either:

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- deny the designation
- delay consideration of the designation
- approve the designation
- delay designation with conditions
  - demolition ordinance imposes 30 day moratorium on buildings eligible for the National Register of Historic Places
  - implement a memorandum of agreement with owner

# Memorandum of Agreement enables the Commission staff and the property owner time to explore and work out alternative development plans



LOUISVILLE  
LANDMARKS  
COMMISSION  
200 N. 2ND ST.  
LOUISVILLE, KY 40202  
(502) 574-1234  
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MEMORANDUM  
OF UNDERSTANDING  
BETWEEN  
THE LOUISVILLE  
LANDMARKS  
COMMISSION  
AND  
ST. MATTHEWS TRIANGLE LLC



CITY OF LOUISVILLE  
200 N. 2ND ST.  
LOUISVILLE, KY 40202  
(502) 574-1234  
WWW.LOUISVILLEKY.ORG

October 8, 2009

Ms. Phyllis M. Kiewan, Member  
St. Matthews Triangle LLC  
2400 Anchor Way  
Anchorage, KY 40023

## Re: Memorandum of Understanding

Dear Ms. Kiewan:

At a special meeting on September 8, 2009, the Historic Landmarks and Preservation Districts Commission authorized me, as its chairman, to execute a memorandum of understanding with St. Matthews Triangle LLC concerning the process for considering local landmark designation of the Vogue Theater complex, more particularly described in Exhibit A attached hereto.

The Commission, having duly received petitions with more than the required number of signatures, is required to "conduct a study and hold a public hearing to determine if the Structure or Property (should be) designated a Local Landmark [L.C.O. §11.510.01]" before it votes on the question of designation. The required study has been completed with the supervision of the City Historic Preservation Officer's and designation report (distributed to the Commission at the September 8 meeting, a copy of which is enclosed for your records) and the public hearing has been conducted. The Commission and the St. Matthews Triangle LLC agree as follows:

1. From the date of this execution of this Memorandum not continuing until the Landmarks Commission's consideration of the petition for landmark designation described below in Paragraph 2 hereof, St. Matthews Triangle LLC agrees to develop a plan for the restoration adaptive reuse of the Vogue Theater complex to house its predecessors. The City's Urban Design Administrator will represent the Commission in these discussions and will provide assistance from the City of Louisville. The Louisville Historical League, as the sponsor of the petition for landmark designation, will be afforded the opportunity to comment as plans develop.
2. In consideration for these efforts by St. Matthews Triangle LLC, the Landmarks Commission will delay consideration of the petition for landmark designation for 120 calendar days from the date of the public hearing (being January 8, 2010). St. Matthews Triangle LLC will make a progress report




Memorandum of Agreement also enables the interested neighbors and the community an opportunity to develop a plan to save and re-use the structures



# Certificate of Appropriateness is required for an exterior alteration to a local landmark or a contributing building in a local district based on design review guidelines

- pre-application conference
- reviewed by staff or Architectural Review Committee
  - notice to neighbors
  - published notice
  - public hearing
- appeal to the Commission

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## Design Guidelines


Design guidelines describe the criteria by which the Architectural Review Committees (ARCs) and staff evaluate proposed exterior alterations. They are intended to serve as a reference and a resource for property owners, clarifying in advance what is expected. The ARC or staff determines the appropriateness of a project after reviewing all applicable guidelines. The goal is to strike a balance that best serves both the resource and the owner. There is no scoring or minimum number of guidelines to be met.

Design guidelines provide (1) an overview of the distinctive characteristics of each district and individual landmark, and (2) the statement of principles and standards governing exterior alterations to structures or properties of each district and landmarks. The guidelines do not dictate styles or specific design motifs. Instead, they suggest a choice of approaches for achieving design compatibility.

### Specific Guidelines

Additional	Paint
Commercial Style Guide	Porches
Colors	Residential Style
Economic Hardship Exemption	Roofing
Garages	Stairs and Trim
Maintenance	Signs
Masonry	Silo
Metals	Staircases
New Construction	Streetscapes
New Construction-Residential	Windows

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This site best viewed using Internet Explorer 6.0 or greater  
at a screen resolution of 800 x 600 or greater.

[http://www.louisvillemetro.org/Department/PlanDesign/Design\\_Guidelines.asp](http://www.louisvillemetro.org/Department/PlanDesign/Design_Guidelines.asp) 3/22/04



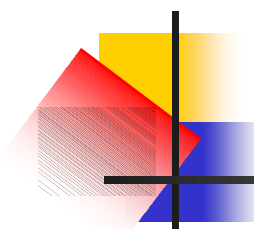


# Economic Hardship Exemption

Economic hardship exemption will be granted for demolition if

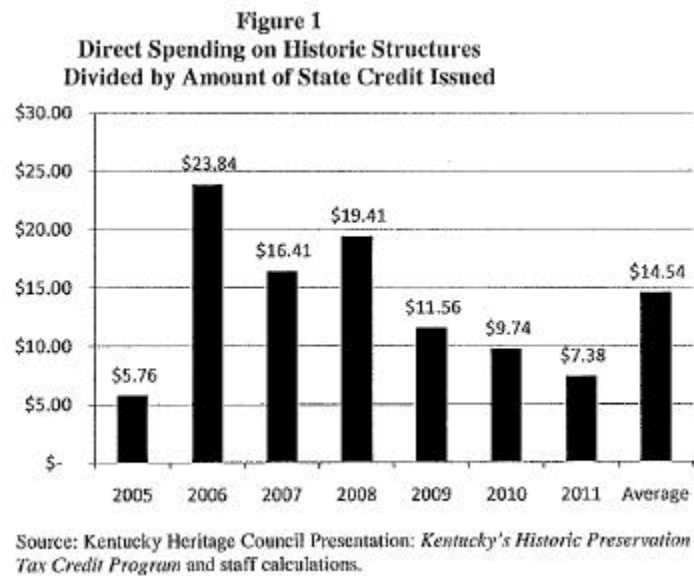
- the property cannot be put to a reasonable beneficial use, or
- if income producing property, cannot obtain a reasonable return from the property





The recession that began in 2008  
has affected all real estate development

Including historic buildings --  
however, the federal and  
state historic tax credits  
available to owners of  
historic buildings and the  
efficiencies reusing existing  
structures has continued to  
attract investors to historic  
properties





## Proposed Amendment to §32.260(C)

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The requirement for a threshold number of immediate residents or property owners is problematic:

- bears no relationship to the established criteria for designation as a landmark
- downtown is “everyone’s neighborhood” -- for properties located in and around downtown, there are very few residents and many out of town property owners
- rural and sparsely populated areas may not have enough residents and/or property owners to meet the threshold



## Proposed Amendment to §32.260(G)

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- The proposed amendment's provision for ratification of designations by Metro Council will effectively eliminate the Commission's ability to explore and implement alternative development plans with the owner and the community. The Commission could become a "lame duck".
- The proposed amendment would also allow the expiration of the demolition moratorium without protection of the local landmark in the interim. Landmarks may be lost.